

## **REMARKS**

In view of the above amendments and the following remarks reconsideration and further examination are respectfully requested.

### **I. Priority Issues**

The Office Action October 13, 2009 indicates that the Applicant has not filed a certified copy of the Japanese application as required by 35 U.S.C § 119(b). The Applicants respectfully submit that this issue has been addressed in the remarks previously submitted on May 7, 2009. However, as noted by the Examiner, the Amendment filed on May 7, 2009 incorrectly indicated that a copy of the PCT/IB/304 form was submitted to the USPTO on May 19, 2006. Rather, the copy of the PCT/IB/304 form was actually submitted to the USPTO on December 15, 2005. A copy of the PCT/IB/304 form submitted to the USPTO on December 15, 2005 is enclosed herewith.

Therefore, for the same reasons discussed in the remarks submitted on May 7, 2009, the Applicants respectfully request that the Examiner acknowledge the claim of foreign priority and confirm receipt of the certified copy of the foreign priority document.

### **II. Amendments to the Claims**

Claims 6, 8 and 14 have been amended to overcome the 35 U.S.C. § 101 and §112 rejections discussed in detail below and to further distinguish the claimed invention from the references relied upon in the prior art rejections discussed below.

### **III. Objection to the Specification**

The specification was objected to for failing to provide proper antecedent basis for the claimed subject matter. Specifically, the specification was objected to for failing to provide proper antecedent basis for the “prohibiting” and the “permitting” recited in claims 6 and 8.

The Applicants respectfully submit that paragraphs [0003] [0018], [0019], [0020], [0021], and [0045] provide sufficient antecedent basis for the above-mentioned limitations recited in claims 6 and 8. However, in order to avoid any further delay in the prosecution of the present application, paragraphs [0019] and [0021] have been amended to more clearly describe the above-mentioned limitations recited in claims 6 and 8. No new matter has been added by this amendment. As a result, withdrawal of this objection to the specification is respectfully requested.

### **IV. 35 U.S.C. §101 Rejection**

Claims 8-14 were rejected under 35 U.S.C. § 101 for failure to recite statutory subject matter. Specifically, claims 8-14 were rejected for reciting subject matter that could be interpreted as software alone.

Independent claim 8 has been amended to clarify that the claimed invention requires a specific “memory.” As a result, since claim 8 now requires specific hardware (i.e., “memory”) it is respectfully submitted that claims 8-14 are now clearly directed to an apparatus, which is one of the four statutory classes of the invention. Therefore, withdrawal of this rejection is respectfully requested, since claims 8-14 are directed to statutory subject matter.

## **V. 35 U.S.C. § 112, First Paragraph Rejection**

Claims 6-14 were rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement. Specifically, claims 6 and 8 were rejected for reciting the “prohibiting” and the “permitting,” which is allegedly not described in the specification. As mentioned above regarding the objection to the specification, the “prohibiting” and the “permitting” is described in paragraphs [0003] [0018], [0019], [0020], [0021], and [0045] of the specification. However, in order to avoid any further delay in the prosecution of the present application, paragraphs [0019] and [0021] have been amended to more clearly describe the above-mentioned limitations recited in claims 6 and 8. As a result, it is submitted that all of the limitations of claims 6 and 8 are described in the specification. Therefore, withdrawal of this rejection is respectfully requested.

## **VI. 35 U.S.C. § 112, Second Paragraph Rejection**

Claim 14 was rejected under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, claim 14 was rejected for reciting “the license managing unit updates the use state information based on a reproduction of each of the plurality of resources; and when updating the use state information, the license managing unit does not update the use state information to reflect the reproduction of the sub resource,” which is allegedly indefinite because it is unclear how the updating is based on both the reproduction of the main and sub resources, yet the updating does not reflect the reproduction of the sub resource.

This rejection is believed clearly inapplicable to claim 14, since claim 14 has been amended to clarify that “the license managing unit updates the use state information only when terminating a reproduction of the main resource.” Therefore, it is respectfully submitted that claim 14 now particularly points out and distinctly claims the subject matter which the applicant regards as the invention. As a result, withdrawal of this rejection is respectfully requested.

## **VII. 35 U.S.C. § 103(a) Rejections**

Claims 6, 8, 10, 11 and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Candelore and Abecassis. Further, claims 7, 9 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Candelore, Abecassis and Downs. Finally, claim 12 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Candelore, Abecassis and the Examiner’s Official Notice. These rejections are believed clearly inapplicable to claims 6-14 for the following reasons.

Amended independent claim 6 recites a method of reproducing content data, wherein the method includes obtaining content data that includes a plurality of resources including at least one main resource and including at least one sub resource, such that the main resource (having a license associated therewith that needs to be locked) includes a main part of contents, and the sub resource (which is a different entity from the main resource and has a license associated therewith that does not need to be locked) is associated with the main resource and includes related information associated with the main part of the contents. In addition, the method of claim 6 includes a step of (i) prohibiting, during the reproduction of a main resource, a start of reproducing a resource that is different from the main resource being reproduced and that requires the license information for reproduction thereof, and (ii) permitting, during the

reproduction of a sub resource, a start of reproducing a resource that is different from the sub resource being reproduced and that requires the license information for reproduction thereof. Candelore, Abecassis and Downs, or any combination thereof, fails to disclose or suggest the above-mentioned distinguishing features as recited in amended independent claim 6.

Initially, please note that the above-described 35 U.S.C. § 103(a) rejection relies on Candelore for teaching the storing of the content data, as previously recited in claim 6. However, in view of the above-identified amendments to claim 6, which clarify the structure of the storing of the content data, it is submitted that Candelore fails to disclose or suggest the above-mentioned distinguishing features now required by the storing of the content data, as recited in amended independent claim 6.

Rather, Candelore merely teaches that television screen 400 displays a first national advertisement 404 and a logo/watermark 408, and teaches that the television screen 400 is replaced with another screen 402, so that the first national advertisement 404 and logo/watermark 408 can be replaced by packets containing a local advertisement banner 412 and a local logo/watermark 416 (see Fig. 7 and paragraph [0042], as cited on page 7 of the present Office Action).

Thus, in view of the above, it is clear that Candelore teaches that a first national advertisement and a logo/watermark displayed on a screen can be replaced by a local advertisement and a local logo/watermark, but fails to disclose or suggest obtaining content data that includes resources including at least one main resource and including at least one sub resource, such that (i) the main resource (having a license associated therewith that needs to be locked) includes a main part of contents, and (ii) the sub resource (which is a different entity from the main resource and has a license associated therewith that does not need to be locked) is

associated with the main resource and includes related information associated with the main part of the contents, as required by claim 6.

In other words, Candelore merely discloses replacing portions of an advertisement and logo/watermark displayed on a screen with another local advertisement and logo/watermark, in order to customize a viewers advertising experience, but fails to disclose or suggest obtaining content data including at least one main resource and at least one sub resource, such that (i) the main resource (having a license associated therewith that needs to be locked) includes a main part of contents, and (ii) the sub resource (which is a different entity from the main resource and has a license associated therewith that does not need to be locked) is associated with the main resource and includes related information associated with the main part of the contents, as required by claim 6.

More specifically, the national advertisement and logo/watermark of Candelore do not correspond to the main resource having a license associated therewith that needs to be locked, as required by claim 6, and the local advertisement and logo/watermark of Candelore do not correspond to the sub resource having a license associated therewith that does not need to be locked and that is associated with the main resource, as required by claim 6.

Furthermore, please note that the above-described 35 U.S.C. § 103(a) rejection acknowledges that Candelore fails to disclose or suggest the “prohibiting” and the “permitting” as recited in claim 6. In light of the above this rejection relies on Abecassis for teaching the above-mentioned features which are admittedly lacking from Candelore.

However, Abecassis teaches playing back videos based on a user’s preferences. Specifically, Abecassis teaches that a multimedia player can obtain videos based on a user’s request for videos of their liking, so that various providers/libraries electronically transmit the

respective videos or portions thereof, based on the user's request (see col. 40, lines 19-24, 40-45 and 48-54). More specifically, Abecassis provides an example such that during a playing of unit 3A based on user preference 3, a user can change their preference from preference 3 to preference 1 so that the playing of the 3A unit is interrupted at a specific point and a seamless transition to the place in the video based on preference 1 begins playback (see Fig. 17C and col. 64, lines 51-61).

Thus, in view of the above, it is clear that Abecassis merely teaches that videos can be electronically transmitted and that, based on a user changing their preference, different portions of the video will seamlessly begin playback at the appropriate points, but fails to disclose or suggest (i) prohibiting, during the reproduction of a main resource, a start of reproducing a resource that is different from the main resource being reproduced and that requires the license information for reproduction thereof, and (ii) permitting, during the reproduction of a sub resource, a start of reproducing a resource that is different from the sub resource being reproduced and that requires the license information for reproduction thereof, as recited in claim 6.

In other words, even though Abecassis teaches that different portions of a video can be accessed/reproduced based on a user changing their preference, Abecassis still fails to disclose or suggest the (i) prohibiting, during the reproduction of a main resource, a start of reproducing a resource that is different from the main resource being reproduced and that requires the license information for reproduction thereof, and (ii) permitting, during the reproduction of a sub resource, a start of reproducing a resource that is different from the sub resource being reproduced and that requires the license information for reproduction thereof, as required by claim 6.

Therefore, because of the above-mentioned distinctions it is believed clear that claim 6 and claim 7 that depends therefrom would not have been obvious or result from any combination of Candelore and Abecassis.

Amended independent claim 8 is directed to a device and recites features that correspond to the above-mentioned distinguishing features of independent claim 6. Thus, for the same reasons discussed above, it is respectfully submitted that independent claim 8 and claims 9-14 that depend therefrom are allowable over any combination of Candelore and Abecassis.

Furthermore, there is no disclosure or suggestion in Candelore and/or Abecassis or elsewhere in the prior art of record which would have caused a person of ordinary skill in the art to modify Candelore and/or Abecassis to obtain the invention of independent claims 6 and 8 and claims 7 and 9-14 that depend therefrom. Accordingly, it is respectfully submitted that independent claims 6 and 8 and claims 7 and 9-14 that depend therefrom are clearly allowable over the prior art of record.

Regarding dependent claims 7, 9 and 14, which were rejected under 35 U.S.C. § 103(a) as being unpatentable over Candelore and Abecassis in view of Downs, it is respectfully submitted that Downs does not disclose or suggest the above-discussed features of independent claims 6 and 8 which are lacking from Candelore and Abecassis. Therefore, no obvious combination of Candelore and Abecassis with Downs would result in, or otherwise render obvious, the invention recited independent claims 6 and 8 and the claims that depend therefrom.



### **VIII. Conclusion**

In view of the above amendment and remarks, it is submitted that the present application is now in condition for allowance and an early notification thereof is earnestly requested. The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,

Masaya YAMAMOTO et al.

/Andrew L. Dunlap/

By 2010.01.12 15:07:17 -05'00'

Andrew L. Dunlap  
Registration No. 60,554  
Attorney for Applicants

ALD/led  
Washington, D.C. 20005-1503  
Telephone (202) 721-8200  
Facsimile (202) 721-8250  
January 12, 2010